

United States Senate

WASHINGTON, DC 20510

November 8, 2011

The Honorable Eric Holder
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

The Honorable Margaret Hamburg
Commissioner
Food and Drug Administration
10903 New Hampshire Avenue
Silver Spring, MD 20993

Dear Attorney General Holder and Commissioner Hamburg:

We write to urge the Department of Justice and the Food and Drug Administration to immediately appeal the recent U.S. District Court ruling barring the implementation of the FDA's graphic warning labels on cigarette packages. We support FDA's actions to inform the public about the deadly consequences of smoking and believe this ruling will detrimentally affect public health.

Each year, cigarettes place a huge burden on Americans' health and their finances. Forty-six million Americans smoke cigarettes and 10 million cigarettes are sold every minute. More than 2,000 young people under the age of 18 start smoking each day. More deaths are caused each year by tobacco use than by HIV, illegal drug use, alcohol use, motor vehicle injuries, suicides, and homicides combined. This year alone, 443,000 Americans will die from tobacco use and tobacco will cost the nation over \$100 billion in health care expenses and lost productivity.

In 2009, Congress took the critical step of giving FDA the authority to regulate tobacco products by passing the Family Smoking Prevention and Tobacco Control Act. This law includes important provisions requiring cigarette manufacturers to include new labels with textual warning statements and graphic color images depicting the negative health consequences of smoking. In June, we applauded FDA's implementation of these provisions through its release of nine different graphic warning labels, each based on sound science on the effectiveness of graphic warning labels and recommendations from the World Health Organization (WHO), Institute of Medicine of the National Academy of Science, and the Surgeon General. Within their first year of use, these labels are expected to deter hundreds of thousands of people, including many young people, from smoking.

For 45 years, cigarettes have been required to carry warning labels that educate consumers about the dangers of smoking. FDA's new labels build upon existing requirements to poignantly demonstrate to consumers that cigarette smoking is hazardous to their health. The warning content includes factual statements and graphic representations that help to educate the general public about the dangers of smoking, encourage current smokers to quit, and prevent non-smokers from initiating cigarette use. The court's ruling jeopardizes efforts to use strong warning labels to protect public health.

FDA's new warning labels recognize the dangers of cigarettes and will help consumers to make informed choices about their health. We urge DOJ and FDA to appeal this disappointing court decision.

Sincerely,

Frank R. Lautenberg

Richard Blumenthal

Jeffrey A. Merkley

Steve Amodeo

Tom Harkin

Shirley Brown